

LIST OF DOCUMENTS CITED BY APPLICANT TO COMPLY WITH 37 C.F.R. 1.56	ATTY. DOCKET NO. DEM1P004	SERIAL NO. 09/741,957
	APPLICANT DELURGIO	
	FILING DATE 12/20/00	GROUP 3624

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JC	AA	6,965,867	11/15/05	Jameson			
JC	AB	6,934,931	08/23/05	Plumer et al.			
JC	AC	6,826,538	11/30/04	Kalyan et al.			
JC	AD	6,731,998	05/04/04	Walser et al.			
JC	AE	2002/0116348	08/22/02	Phillips et al.			
JC	AF	5,615,109	03/25/97	Eder			

## FOREIGN PATENT DOCUMENTS

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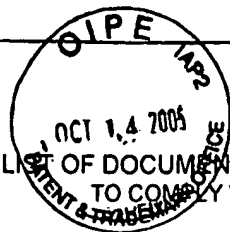
## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

JC	BA	Kadiyali et al., "Manufacturer-retailer Channel Interactions and Implications for Channel Power: An Investigation of Pricing in Local Market", Marketing Science, Spring 2000, V. 19, Issue 2.
JC	BB	Andrew B. Gelman et al., "Bayesian Data Analysis", pgs. 439-455, Chapman & Hall/CRC, First Edition 1995, Reprinted 2000.
JC	BC	Hillier, Frederick S., et al., "Introduction to Operations Research", McGraw-Hill, Inc., 1995, Sixth Edition, pages 1-14.

EXAMINER <i>E. Colbert</i>	DATE CONSIDERED 8-05-06
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.



U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.  
DEM1P004SERIAL NO.  
09/741,957

APPLICANT

DELURGIO

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3629

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AC	AA	6,910,017	06/21/05	Woo et al.			
	AB	6,546,387	04/08/03	Triggs			
	AC	2002/0198794	12/26/02	Williams et al.			
	AD	2002/0123930	09/05/02	Boyd et al.			
	AE	2002/0107819	08/08/02	Ouimet			
	AF	6,405,175	06/11/02	Ng			
	AG	2002/0023001	02/21/02	McFarlin et al.			
	AH	5,521,813	05/28/96	Fox et al.			
	AI	5,212,791	05/18/93	Damian et al.			
	AJ	4,744,026	05/10/88	Vanderbei			
	AK	3,017,610	01/16/62	Auerbach et al.			

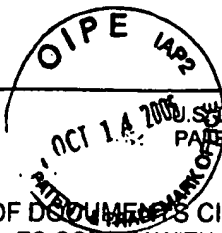
## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

BA	Barth, Brad, "Shopko Tests Automated Markdowns", WWD 10/04/00, pages 1-3.
BB	Cook, Martie, "Optimizing Space and Sales with Markdown Software", Office.com, 05/31/2000, page 1.
BC	"Essentus and Spotlight Solutions Partnership Delivers Precise Markdown Decisions", Business Wire, 04/17/00, 3 pages.
BD	Melcer, Rachel, "Local Tech Firm Creates Retail Markdown Tool", Business Courier online, 03/24/00, pages 1-4.
BE	Technology Strategy Incorporated, <a href="http://www.grossprofit.com">www.grossprofit.com</a> , 03/02/00, pages 1-20.
BF	Andrew B. Gelman et al., "Bayesian Data Analysis", pgs. 439-455, Chapman & Hall/CRC, First Edition 1995, Reprinted 2000.
BG	Flanagan, David, "Javascript: The Definitive Guide, 3 <sup>rd</sup> Edition," published by O'Reilly in June 1998 (ISBN 1-56592-392-8) section 14.8.
BH	Berners-Lee, T., "Hypertext Markup Language 2.0 Working Paper," Nov 1995 (pages 1-3).

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL*	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

BI	Tellis, Gerard J., and Fred S. Zufryden, "Tackling the Retailer Decision Maze: Which Brands to Discount, How Much, When and Why," Marketing Science, Vol. 1, No. 34, 1995 (pages 271-299).
BJ	Abraham, Magid M. and Leonard M. Lodish, "Promoter: An Automated Promotion Evaluation System," Marketing Science, Vol. 6, No. 2, 1987 (p. 101-123).
BK	Little, John D. C., "Brandaidd: A Marketing-Mix Model, Part 1: Structure," Operations Research, Vol. 23, No. 4, July-August 1975 (p. 628-655).
BL	Cerf, Vinton G. and Robert E. Kahn, "A Protocol for Packet Network Interconnection," IEEE Transactions on Communications COM-22, May 1974, (p. 637-648).
BM	"Webster's New World Dictionary", 2nd College edition, pgs 707 and 721, The World Publishing Company, 1972.

EXAMINER 	DATE CONSIDERED 8-5-06
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Sheet 1 of 1

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U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
JC	AA	6,567,824	05/20/03	Fox			
JC	AB	6,321,207	11/20/01	Ye			

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FOREIGN PATENT DOCUMENTS

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							YES	NO

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AC	AA	6,341,269	01/22/2002	Dulaney et al.			
AC	AB	5,377,095	12/27/1994	Maeda et al.			

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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

AC	BA	Alan L. Montgomery and Peter R. Rossi, "Estimating Price Elasticities with Theory-Based Priors," Journal of Marketing Research Vol. XXXVI, November 1999 (pp 413-423).
	BB	Boatwright, Peter et al., "Account-Level Modeling for Trade Promotion: An Application of a Constrained Parameter Hierarchical Model," Journal of the American Statistical Association, Vol. 94, No. 448, December 1999 (pp 1063-1073).
	BC	Alan L. Montgomery, "Creating Micro-Marketing Pricing Strategies Using Supermarket Scanner Data," Marketing Science, Vol. 16, No. 4, 1997 (pp 315-337).
	BD	Robert C. Blattberg and Edward I. George, "Shrinkage Estimation of Price and Promotional Elasticities: Seemingly Unrelated Equations," Journal of the American Statistical Association, Vol. 86, No. 414, June 1991 (pp 304-315)
	BE	Arnold Zellner, "On Assessing Prior Distribution sand Bayesian Regression Analysis With G-Prior Distributions," Elsevier Science Publishers, 1986 (pp 233-243)
	BF	D.V. Lindley and A.F.M. Smith, "Bayes Estimates for the Linear Model," University College, December 1971.
	BG	George C. Tiao and Arnold Zellner, "On the Bayesian Estimation of Multivariate Regression," University of Wisconsin, January 1964.
AC	BH	Arnold Zellner, "An Efficient Method of Estimating Seemingly Unrelated Regressions and Tests for Aggregation Bias," University of Wisconsin, June 1962.

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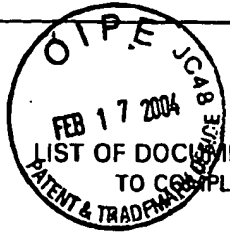
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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>JC</i>	AA	6,397,193	05/28/2002	Walker et al.			
	AB	6,341,268	01/22/2002	Walker et al.			
	AC	6,052,686	04/18/2000	Fernandez et al.			
	AD	5,933,813	08/03/1999	Teicher et al.			
	AE	5,790,643	08/04/1998	Gordon et al.			
<i>JC</i>	AF	5,765,143	06/09/1998	Sheldon et al.			

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

<i>JC</i>	CA	Bruce G.S. Hardie et al., "Attribute-based Market Share Models: Methodological Development and Managerial Applications", University of Pennsylvania, Working Paper 98-009, pp. 1-48, 1998.
<i>JC</i>	CB	Rossi, Delorgio, & Kantor; "Making Sense of Scanner Data," Harvard Business Review, Reprint F00205, 2000.
	CC	"Pacifcorp IRP: Renewables Costs Must Drop 65% to be Competitive with Gas," dated December 8, 1995.
<i>JC</i>	CD	Robert J. Dolan, "How Do You Know When the Price is Right?", Harvard Business Review, September-October 1995, P. 4-11

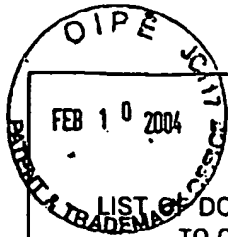
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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
gc	6,456,986	09/24/2002	Boardman et al.	1	1	1
gc	6,134,534	10/17/2000	Walker et al.	1	1	1

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## FOREIGN PATENT DOCUMENTS

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## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

gc	CA		"PCT International Search Report", Application Number PCT/US03/30488, mailed January 28, 2004.

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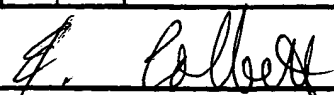
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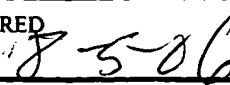
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CA	"PCT International Search Report", Application Number PCT/US02/14977, mailed May 5, 2003.
CB	DYER, ROBERT F. et al., "Case Studies in Marketing Decisions Using Expert Choice," Decision Support Software, 1988, Pages 2-7, 73-108.

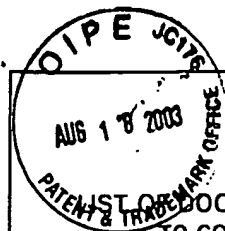
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## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
EC	AA	6,025,686	05/18/2000	Fernandez et al.	/	/	/
EC	AB	6,173,345	01/09/2001	William A. Stevens	/	/	/

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## FOREIGN PATENT DOCUMENTS

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EC	BA	WO 98/53415	11/26/1998	Ouimet et al.	X	X	✓	

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EC	CA		"PCT International Search Report", Application Number PCT/US02/36710, mailed July 21, 2003.					
EC	CB		YOEMAN, JOHN CORNELIUS JR., "The Optimal Offering Price for Underwritten Securities", 1993, Volume 55/01-A of Dissertation Abstracts International, Page 4743 (Abstract Only).					

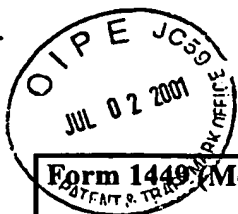
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<b>Form 1449 (Modified)</b>  <b>Information Disclosure Statement By Applicant</b>  (Use Several Sheets if Necessary)	Atty Docket No.	Application No.:
	DEM1P004	09/741,957
	Applicant:	
	DELURGIO et al.	
Filing Date	Group	
12/20/00	2161	

#### U.S. Patent Documents

Examiner Initial	No.	Patent No.	Date	Patentee	Class	Sub-class	Filing Date
	A						
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#### Foreign Patent or Published Foreign Patent Application

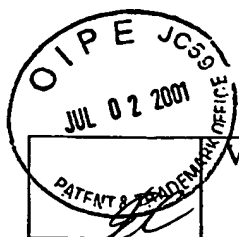
Examiner Initial	No.	Document No.	Publication Date	Country or Patent Office	Class	Sub-class	Translation	
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	J							
	K							
	L							
	M							
	N							

#### Other Documents

Examiner Initial	No.	Author, Title, Date, Place (e.g. Journal) of Publication
SC	O	Stephen J. Hoch et al., "Store Brands and Category Management", The Wharton School, University of Pennsylvania, March 1998, pp. 1-38
SC	P	Bruce G.S. Hardie et al., "Attribute-based Market Share Models: Methodological Development and Managerial Applications", The Wharton School, University of Pennsylvania, Working Paper 98-009, pp. 1-48
SC	Q	Alan Mercer, "Non-linear Price Effects", Journal of the Market Research Society, dated 7/1/96, p. 227
SC	R	Rockney G. Walters, "Assessing the Impact of Retail Price Promotions on Product Substitution, Complementary Purchase, and Interstore Sales Displacement", Journal of Marketing, Vol. 55, April 1991, pp. 17-28
	S	Robert C. Blattberg et al., "How Promotions Work", Marketing Science, Vol. 14, No. 3, Part 2 of 2, 1995, pp. G122-G132
	T	Peter M. Guadagni et al., "A Logit Model of Brand Choice Calibrated on Scanner Data", Marketing Science, Vol. 2, No. 3, Summer 1983, pp. 203-238
SC	U	Lee G. Cooper et al., "Standardizing Variables in Multiplicative Choice Models", Journal of Consumer Research, Vol. 10, June 1983, pp. 96-108

*F. Albert*

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	V	Eileen Bridges et al., "A High-Tech Product Market Share Model with Customer Expectations", Marketing Science, Vol. 14, No. 1, Winter 1995, pp. 61-81
	W	Richard R. Batsell, et al., "A New Class of Market Share Models", Marketing Science, Vol. 4, No. 3, Summer 1985, pp. 177-198
	X	Jagmohan S. Raju, "The Effect of Price Promotions on Variability in Product Category Sales", Marketing Science, Vol. 11, No. 3, Summer 1992, pp. 207-220
	Y	Robert J. Dolan, "How Do You Know When the Price Is Right?", Harvard Business Review, September-October 1995, pp. 5-11
	Z	Fusun Gonul, "Modeling Multiple Sources of Heterogeneity in Multinomial Logit Models: Methodological and Managerial Issues", Marketing Science, Vol. 12, No. 3, Summer 1993, pp. 213-229
	AA	Robert M. Schindler et al., "Increased Consumer Sales Response through Use of 99-Ending Prices", Journal of Retailing, 6/1/96, p. 187
	BB	Francis J. Mulhern et al., "The Relationship between Retail Price Promotions and Regular Price Purchases", Journal of Marketing, Vol. 59, October 1995, pp. 83-90
	CC	John Deighton et al., "The Effects of Advertising on Brand Switching and Repeat Purchasing", Journal of Marketing Research, Vol. XXXI, February 1994, pp. 28-43
	DD	Sunil Gupta, "Reflections on 'Impact of Sales Promotions on When, What, and How Much to Buy'", Journal of Marketing Research, Vol. XXX, November 1993, pp. 522-24
	EE	Richard A. Briesch, "Does It Matter How Price Promotions Are Operationalized?", Marketing Letters 8:2 (1997), pp. 167-181
	FF	Byung-Do Kim et al., "Modeling the Distribution of Price Sensitivity and Implications for Optimal Retail Pricing", Journal of Business & Economic Statistics, July 1995, Vol. 13, No. 3
	GG	William R. Dillon et al., "A Segment-level Model of Category Volume and Brand Choice", Marketing Science, Vol. 15, No. 1, 1996, pp. 38-59
	HH	Stephen J. Hoch et al., "Determinants of Store-Level Price Elasticity", Journal of Marketing Research, Vol. XXXII (February 1995), pp. 17-29
	II	Magid M. Abraham et al., "An Implemented System for Improving Promotion Productivity Using Store Scanner Data", Marketing Science, Vol. 12, No. 3, Summer 1993
	JJ	Peter S. Fader et al., "Modeling Consumer Choice among SKUs", Journal of Marketing Research, Vol. XXXIII (November 1996), pp. 442-452
Examiner	<div> <div><i>[Signature]</i></div> <div>Date Considered <i>8-5-06</i></div> </div>	

Examiner: Initial citation considered. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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<p><b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b></p> <p>(use as many sheets as necessary)</p>				Complete if Known	
				Application Number	09741957
				Filing Date	12/20/001
				First Named Inventor	PHIL DELURGIO
				Group Art Unit	
				Examiner Name	
Sheet	1	of	2	Attorney Docket Number	DEM1P004

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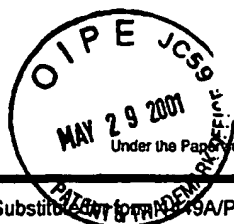
Examiner Signature	<i>E. Calvert</i>	Date Considered	<i>8-5-06</i>
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<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

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Substitute Patent Application 9A/PTO		<b>Complete if Known</b>			
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)		Application Number	09741957		
		Filing Date	12/20/001		
		First Named Inventor	PHIL DELURGIO		
		Group Art Unit			
		Examiner Name			
Sheet	2	of	2	Attorney Docket Number	DEM1P004

OTHER PRIOR ART-NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
<i>FL</i>	BA	ROSSI, DELURGIO, & KANTOR; "MAKING SENSE OF SCANNER DATA;" <i>HARVARD BUSINESS REVIEW</i> , REPRINT F00205	
<i>1</i>	BB	BUCKLIN & GUPTA, "BRAND CHOICE, PURCHASE INCIDENCE, AND SEGMENTATION: AN INTEGRATED MODELING APPROACH," <i>JOURNAL OF MARKETING RESEARCH</i> , MAY 1992, PP. 201-215, VOL. XXIX	
	BC	SMITH, MATHUR, & KOHN; "BAYESIAN SEMIPARAMETRIC REGRESSION: AN EXPOSITION AND APPLICATION TO PRINT ADVERTISING;" JANUARY 3, 1997; AUSTRALIAN GRADUATE SCHOOL OF MANAGEMENT, UNIVERSITY OF NEW SOUTH WALES, SYDNET 2052, AUSTRALIA	
	BD	BLATTBERG AND DEIGHTON, "MANAGE MARKETING BY THE CUSTOMER EQUITY;" <i>HARVARD BUSINESS REVIEW</i> , JULY-AUGUST 1996, PP. 136-144	
	BE	CHRISTEN, GUPTA, PORTER, STAELEN, & WITTINK; "USING MARKET-LEVEL DATA TO UNDERSTAND THE EFFECTIVENESS OF PROMOTIONAL ACTIVITIES;" DECEMBER 22, 1995	
	BF	LINK, "ARE AGGREGATE SCANNER DATA MODELS BIASED?," <i>JOURNAL OF ADVERTISING RESEARCH</i> , SEPTEMBER/OCTOBER 1995, PP. RC8-RC12, ARF	
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Examiner Signature	<i>[Signature]</i>	Date Considered	<i>8-5-06</i>
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<sup>1</sup>Unique citation designation number. <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.

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Sheet 1 of 3

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE  LIST OF DOCUMENTS CITED BY APPLICANT TO COMPLY WITH 37 C.F.R. 1.56	ATTY. DOCKET NO. DEM1P004	SERIAL NO. 09/741,957
	APPLICANT Delurgio et al.	
	FILING DATE 12/20/00	GROUP Unknown

## U.S. PATENT DOCUMENTS

EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
<i>EC</i>	AA	6,094,641	07/25/00	Ouimet et al.	705	10	
	AB	6,078,893	06/20/00	Ouimet et al.	705	10	
	AC	5,987,425	11/16/99	Hartman et al.	705	20	
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	AG	5,377,095	12/27/94	Maeda et al.	364	401	
<i>EC</i>	AH	5,117,354	05/26/92	Long et al.	364	401	

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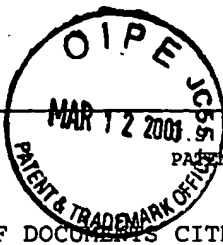
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

<i>EC</i>	AI		"Report of Novelty Search" by Patentec, dated Feb, 9, 2001

EXAMINER <i>E. Albert</i>	DATE CONSIDERED <i>8-05-06</i>
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<i>EL</i>	AJ	6,032,125	02/29/00	Ando	705	10	
	AK	6,009,407	12/28/99	Garg	705	10	
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	AP	5,918,209	06/29/99	Campbell et al.	705	5	
<i>EL</i>	AQ	5,249,120	09/28/93	Foley	364	401	

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO

## OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)


EXAMINER <i>E. Colbert</i>	DATE CONSIDERED <i>8-5-06</i>
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				APPLICANT Delurgio et al.				
				FILING DATE 12/20/00		GROUP Unknown		
U.S. PATENT DOCUMENTS								
EXAMINER INITIAL*		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
AR		5,063,506	11/05/91	Brockwell et al.	364	402	<input checked="" type="checkbox"/>	
FOREIGN PATENT DOCUMENTS								
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
							YES	NO
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)								
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